COUNTY OF LOS ANGELES 

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: January 26, 2009

OFFICE CORRESPONDENCE

FILE NO. FO2227908

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY DANIELLE LEOS #[redacted]
DEPUTY [redacted] #[redacted]
DEPUTY JASON SNYDER #[redacted]
DEPUTY [redacted] #[redacted]
DEPUTY [redacted] #[redacted]
MEN'S CENTRAL JAIL

On September 6, 2008, at approximately 0725 hours, Inmate Ernesto Jaimes fought several deputies. Deputies Danielle Leos, [redacted] Jason Snyder, and [redacted] used significant force to overcome Inmate Jaimes' resistance. Inmate Jaimes sustained a bilateral nasal fracture, fracture of the right orbital wall, and fractures to four vertebrae in his lower back.

Inmate Ernesto Jaimes was in 3100/3300 Module. Inmate Jaimes was a high risk to jail security, which required administrative segregation from the general population inmates. Inmate Jaimes' classification was K-10. These K-10 inmates are housed in single-man cells. These K-10 inmates are always searched and handcuffed prior to being removed from their cells.

Deputy Danielle Leos was ensuring Inmate Ernesto Jaimes received his shower. She searched, handcuffed, and escorted him to the shower. She un-handcuffed him and allowed him to shower. Approximately fifteen minutes later, Deputy Leos returned to escort Inmate Jaimes back to his cell.

Deputy Leos handcuffed Inmate Jaimes through the bars. She removed a bag of personal property he had with him and placed it on the ground outside of the shower. Deputy Leos unlocked the shower door, grabbed the handcuff chain and took Inmate Jaimes out of the shower. Once outside of the shower, Inmate Jaimes asked Deputy Leos if he could get his property bag. Deputy Leos said he could. As Inmate Jaimes leaned down to retrieve his property bag, he quickly jerked forward and pulled his hand free from the handcuff. He quickly turned and hit Deputy Leos in the back. Fearing that he would attack her further, Deputy Leos distanced herself from Inmate Jaimes and yelled for help.

Deputy [redacted] heard Deputy Leos scream for help. Deputy [redacted] went to the area where he believed the scream came from and saw Inmate Jaimes was approaching Deputy Leos. There was only one wrist handcuffed and the other cuff was in Inmate Jaimes hand. Deputy [redacted] tackled Inmate Jaimes. Inmate Jaimes resisted Deputy [redacted] and Deputy Leos' efforts to restrain him. Deputy [redacted] punched Inmate Jaimes in the face several times, but the inmate continued to resist and swing his arms. Deputy [redacted] then struck the inmate in the face several times with his knee. Deputy Leos punched Inmate Jaimes in the face and body numerous times. This still had no effect on inmate Jaimes.

Deputy Jason Snyder heard the commotion and went to the area of the incident. He saw that Inmate Jaimes was resisting and struck him in the rib cage area with his knee and on the head with his elbow. Inmate Jaimes continued his resistance and Deputy Leos used her Freeze Plus P spray on Inmate Jaimes. Inmate Jaimes continued to resist by trying to stand up.

Senior Deputy [redacted] and Sergeant Jose Mendoza arrived and found the three deputies struggling with Inmate Jaimes. Sergeant Mendoza ordered Senior Deputy [redacted] to use his TASER on Inmate Jaimes. Deputy [redacted] fired his TASER which struck Inmate Jaimes in his back. The TASER activation caused Inmate Jaimes to fall to the ground and stop resisting. Inmate Jaimes was handcuffed and escorted out of the module.

Inmate Jaimes was treated at Los Angeles County Medical Center by Dr. Johnson for blunt trauma to the face, back, abdomen, and extremities. Inmate Jaimes sustained a bilateral nasal fracture, fracture of the right orbital wall, fractures to L1, L2, L3 and L4 vertebrae in his lower back. Inmate Jaimes returned to Men's Central Jail with the approval of Dr. Eric Ferkel, three days after this incident.

On January 22, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Danielle Leos #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Jason Snyder #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW:yw

FO2227908

Table of Contents

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 0 0 8 - 0 1 1 2 9 - 5 1 0 0 - 0 5 7 | Date: 9/6/08 | Time: 0725 hrs

Location: Men's Central Jail-3100/3300 Module | City or Station: Los Angeles

Bureau/Station/Facility: Men's Central Jail | Admin. Investigation: YES ☐ NO ☒

Type of Force: Significant Force/ Taser/ OC

Deputy Injury : YES ☒ NO ☐ | Suspect Injury YES ☒ NO ☐

☐ Call ☐ Observation ☒ Detail | ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ | Person Notified: Lt. Don Slawson | Emp: [redacted] | IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Leos	Danielle	

Sex: ☐ Male ☒ Female | Race: H | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 31/33 Movement #1

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 501 | Weight: 127

☒ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex: [redacted] | Race: [redacted] | Unit of Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

Shift: [redacted] | [redacted] | Age: [redacted] | Height: [redacted] | Weight: [redacted]

☒ Injured ☒ Treated ☐ Admitted Hospital: White Memorial | Coroner Case # | Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	Snyder	Jason	P

Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 3000 Prowl #3

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 600 | Weight: 210

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Mendoza	Jose	G.	Sgt	YES ☐ NO ☒	YES ☒ NO ☐
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Austin	Michael	D

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Rivera	Frank	

Lieutenant Frank Rivera | [signature] | [redacted] | 11/26/08
Watch Commander **(Print Name)** | Watch Commander's **Signature**: | Emp #: | Date

Diana V. Gealta | [redacted] | |
Supervisor Completing Form: **(Print Name)** | Emp #: | Copy Provided to Employee by: | Emp #:

Captain Daniel S. Cruz
Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
008-01129-5100-057

Involved Employee

E 4

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle Name: [redacted]

Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 3000 Prowl #3

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 6'0" | Weight: 225

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case #: | Directed Force ☐ Significant Force ☐

E 5

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle Name: [redacted]

Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 3000 Senior Line Deputy/Prowl #1

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5'11" | Weight: 225

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case #: | Directed Force ☒ Significant Force ☐

E_

Employee #: | Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case #: | Directed Force ☐ Significant Force ☐

E_

Employee #: | Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case #: | Directed Force ☐ Significant Force ☐

E_

Employee #: | Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case #: | Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
008 - 01129 - 5100 - 057

Suspect Information

S 1

Last Name: Jaimes | First Name: Ernesto | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [X] Male [ ] Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: | Age: 25 | Height: 505 | D.O.B. 05/11/83 | Weight: 130 | Armed? [ ]

Booking #: 1535478 | Primary Charge Code: 245(d)(1) | Secondary Charge Code: 245(a)(2) | Criminal History [redacted]

EMT in attendance? [X] YES [ ] NO Name: Captain Magdaleno #[redacted] | Unit: Sta #4 | Phone #:

Hospital Admission? [X] | Rec'd Treatment At: LCMC | Coroner Case #: | Mental History [ ]

By Doctor: S. Johnson #[redacted] | Address: 1200 N. State Street Los Angeles | Phone #: 323-226-2566

Under Influence: [ ] YES [ ] NO | Substance: | Mental Illness [ ]

Suspect Interview

Date: 09/09/2008 | Time: 1148 hrs | [X] Audiotape: | [X] Videotape: | [X] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ]

By Doctor: | Address: | Phone #:

Under Influence: [ ] YES [ ] NO | Substance: | Mental Illness: [ ]

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ]

By Doctor: | Address: | Phone #:

Under Influence: [ ] YES [ ] NO | Substance: | Mental Illness [ ]

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] Additional Suspects Involved

Supervisor's Report on Use of Force
EMPLO .E / NON-EMPLOYEE INFOR .ATION
0 0 8 - 0 1 1 2 9 - 5 1 0 0 - 0 5 7

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Mendoza	Jose	G.
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Jaimes	S1	Leos	E1	UC	NN	
Jaimes	S1	Leos	E1	PH	CP, BR	BK
Jaimes	S1	Leos	E1	OO	NN	
[redacted]	E2	Jaimes	S1	TD	FR	BK
Jaimes	S1	[redacted]	E2	RS	FR	HD
Jaimes	S1	Leos	E1	RS	NN	
Leos	E1	Jaimes	S1	PH	NN	
[redacted]	E2	Jaimes	S1	PO	FR	FA
Snyder	E3	Jaimes	S1	PO	FR	CH IN
Leos	E1	Jaimes	S1	PK	BR	LE
Leos	E1	Jaimes	S1	OC	NN	
[redacted]	E5	Jaimes	S1	TR	NN	
[redacted]	E4	Jaimes	S1	RH	NN	

INVESTIGATIVE SUMMARY
USE OF FORCE - TASER- HEAD STRIKE
IAB CASE NUMBER 2227807
URN NUMBER 008-01129-5100-057

On September 6, 2008 at approximately 0725 hours, Men's Central Jail Deputies were involved in a use of force with Inmate Ernesto Jaimes in 3100/3300 Module. 3100/3300 Modules house K-10 inmates. The inmates are classified as such because they are high risk to jail security and require administrative segregation from the general population inmates. They are housed in single man cells and are always searched and handcuffed prior to being removed from their cells.

On the morning of September 6, 2008, Deputy Danielle Leos was assigned as the 3100/3300 Movement Deputy. Her duties included ensuring the inmates in the module received their showers. She started with Inmate Jaimes. She searched, handcuffed and escorted him to the shower. She unhandcuffed him and allowed him to shower. Approximately fifteen minutes later, Deputy Leos returned to escort Inmate Jaimes back to his cell.

Deputy Leos handcuffed Inmate Jaimes through the bars. She removed a bag of personal property he had with him and placed it on the ground outside of the shower. Deputy Leos unlocked the shower door, grabbed the handcuff chain and took Inmate Jaimes out of the shower. Once outside of the shower, Inmate Jaimes asked Deputy Leos if he could get his property bag. Deputy Leos said he could. As inmate Jaimes leaned down to retrieve his property bag, he quickly jerked forward and pulled his hand free from the handcuff. He quickly turned and hit Deputy Leos in the back. Fearing that he would attack her further, Deputy Leos distanced herself from Inmate Jaimes and yelled for help.

Deputy [redacted] was conducting his module operations in the module and heard Deputy Leos scream for help. He went to the area where he believed the scream came from and saw Inmate Jaimes was approaching Deputy Leos. There was only one wrist handcuffed and the other cuff was in Inmate Jaimes hand. Deputy [redacted] tackled Inmate Jaimes. Inmate Jaimes resisted Deputy [redacted] and Deputy Leos efforts to restrain him. Deputy [redacted] punched Inmate Jaimes in the face several times, but the inmate continued to resist and swing his arms. Deputy [redacted] then struck the inmate in the face several times with his knee. Deputy Leos punched Inmate Jaimes in the face and body numerous times. This still had no effect on inmate Jaimes.

Deputy Snyder heard the commotion and went to the area of the incident. He saw that Inmate Jaimes was resisting and struck him in the rib cage area with his knee and on the head with his elbow. Inmate Jaimes continued his resistance and Deputy Leos utilized her Freeze Plus P spray on Inmate Jaimes. Inmate Jaimes continued to resist by trying to stand up.

Senior Deputy [redacted] and Sergeant Mendoza arrived and found the three deputies struggling with Inmate Jaimes. Sergeant Mendoza ordered Senior Deputy [redacted] to utilize his taser on Inmate Jaimes. Deputy [redacted] fired his taser which struck Inmate Jaimes in his back. The taser activation caused Inmate Jaimes to fall to the ground and stop resisting. Inmate Jaimes was handcuffed and escorted out of the module.

He was immediately treated at Men's Central Jail then transported to Los Angeles County Medical Center where he was treated by Doctor S. Johnson #[redacted] for blunt trauma to face, back, abdomen and extremities.

The following summary of this incident is based on information obtained from reports, involved deputies and witness interviews, along with other documents regarding Men's Central Jail file number 008-01129-5100-057 (**Exhibits A through** E).

INVOLVED PERSONNEL

LEOS, Danielle, Deputy Sheriff, #[redacted]
Custody Division
Men's Central Jail

Work History

Date of Employment (Custody Assistant) 07/05/06
Date Assigned to Men's Central Jail (Deputy) 11/07/07
Prior Founded Force Incidents [redacted]

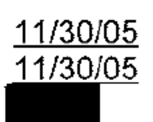

[redacted] Deputy Sheriff, #[redacted]
[redacted]

Work History
Date of Employment
Date Assigned to Men's Central Jail
Prior Founded Force Incidents


[redacted]

SNYDER, Jason Deputy Sheriff, #[redacted]
Custody Division
Men's Central Jail

Work History
Date of Employment 11/30/05
Date Assigned Men's Central Jail 11/30/05
Prior Founded Force Incidents [redacted]



[redacted] Deputy Sheriff, #[redacted]
Custody Division
Men's Central Jail

Work History

Date of Employment	07/17/06
Date Assigned to Men's Central Jail	07/17/06
Prior Founded Force Incidents	[redacted]

[redacted] Deputy Sheriff, #[redacted]
Custody Division
Men's Central Jail

Work History

Date of Employment	11/02/97
Date Assigned to Patrol	[redacted]
Date Assigned to Men's Central Jail	12/02/07
Prior Founded Force Incidents	[redacted]

SUBJECT

JAIMES, Ernesto, MH/25, DOB: 05/11/83, Booking #1535478
[redacted]

Suspect Jaimes criminal history (CCHRS) shows he has [redacted] Refer to **Exhibit "A"** for further information.

SWORN WITNESSES

Mendoza, Jose, Sergeant, #[redacted]

INJURIES

Inmate Jaimes sustained a bilateral nasal fracture, fracture of the right orbital wall, fractures of the posterior portion of the eleventh and twelfth ribs and transverse fractures to L1, L2, L3 and L4 vertebrae in his lower back. He was returned to Men's Central Jail on September 9, 2008 with the approval of Doctor Eric Ferkel.

PHYSICAL EVIDENCE

None.

INVESTIGATOR OBSERVATIONS

IAB Investigator responded to the scene and took photographs.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Leos: Fist, Feet, OC Spray

Deputy [redacted] Takedown, Fist, Knee

Deputy Snyder: Fist, Knee

Senior Deputy [redacted] Taser

WEAPONS USED BY THE SUSPECT

Resistive

Assaultive: Hands, Feet, Handcuff

PROPERTY DAMAGE

None.

CRIMINAL INVESTIGATOR/CHARGES FILED

Jail Investigation Unit Detective Ramon Lascano filed one count of 243 (c)(2) PC, two counts each of 245(c) P.C., and 148.10 (a) P.C. at Central District Court under case number, BA 346306. The additional enhancement of 12022.7 (a) was also charged. The case is set for Jury trial on 11/26/08 in Division 117.

INVOLVED EMPLOYEE STATEMENTS

LEOS, DANIELLE

Deputy Leos was interviewed on Tuesday, October 14, 2008 at approximately 0931 hours by Internal Affairs Bureau Sergeants Diana Gealta and David Bly at Internal Affairs Bureau. The interview was tape recorded. The following is a summary of that interview.

Deputy Leos said she was assigned as the 3100/3300 Movement Deputy. Her duties include ensuring the inmates get to take a shower. Deputy Leos stated the inmates in

3100/3300 are high-power K-10 inmates. They are classified as such because they are combative, hostile and active gang members.

Based on their classification, the inmates in that module are treated differently then the inmates in general population. The K-10 inmates are housed in single man cells, prior to a K-10 being removed from their cell, they are strip searched. They are also handcuffed and escorted everywhere they go.

Deputy Leos said the first cell on each row has a shower and telephone inside of the cell. If an inmate is not going to use the telephone, he is escorted off the row to the shower area on the second floor of the module. This is done to expedite showers and make certain all inmates get access to the shower.

IAB Note: See Exhibit "C" for a photograph of the upstairs shower area.

On the day of the incident, Deputy Leos approached Inmate Jaimes' cell and asked him if he wanted to take a shower. Inmate Jaimes said he did want a shower but, he did not want to use the telephone. Deputy Leos strip searched Inmate Jaimes and asked him to face the rear of the cell. She handcuffed him and escorted him upstairs to the shower area. Approximately fifteen minutes later, Deputy Leos returned and handcuffed Inmate Jaimes, she was certain that she double locked the cuffs. Deputy Leos noticed that there was a property bag on the ground in the shower. She took the property bag and put it outside of the shower in front of the gate to the shower.

Deputy Leo's did not notice anything unusual with Inmate Jaimes. She unlocked the shower door and put her hands on the chain which links the handcuffs. Deputy Leos took Inmate Jaimes out of the shower. She told him he could pick up his property bag. When he bent down to pick it up, he pulled forward to the left. Inmate Jaimes slipped his right handcuff and turned counterclockwise.

Deputy Leo's held onto the handcuff which was still attached to his left hand. Inmate Jaimes turned and punched Deputy Leos in the middle of her back, causing her to let go of the handcuff. Inmate Jaimes started swing the handcuff and this scared Deputy Leos. She screamed and backed up creating distance between her and Inmate Jaimes. She stated Inmate Jaimes stopped swinging the handcuff and started slowly walking toward her. This frightened Deputy Leos and she started yelling and continued to back up toward 3301 module.

Inmate Jaimes continued to walk toward Deputy Leos. He did not say anything just continued walking toward her with the handcuff in his left hand, Deputy Leos described the handcuff as being latched open like a knife. She said she retreated approximately ten to fifteen feet. Deputy Leos stated she did not request assistance or put information out over the radio because she was concerned with creating distance between her and

Inmate Jaimes. Additionally, she did not think to use any of her personal weapons (including OC or flashlight) because she "froze up."

Deputy [redacted] arrived and tackled Inmate Jaimes from behind. Inmate Jaimes landed on his stomach but immediately started swinging both his arms and trying to get up. Deputy Leos punched him about ten to fifteen times in the face and abdomen. Deputy [redacted] also punched the inmate as they both gave him verbal commands.

Deputy Leos said Deputy Snyder arrived and Inmate Jaimes planted both feet on the ground and was trying to get up. Deputy Leos kicked Inmate Jaimes five to ten times on his legs and knees, which was ineffective. She then began stomping on the back of his ankles in a diagonal motion with both of her feet. He continued to resist, in an effort to gain control and prevent further assault, Deputy Leos sprayed Inmate Jaimes with a 2-3 second burst of "Freeze + P" which did not stop his resistance. At that point, Sergeant Mendoza ordered that Inmate Jaimes be tased. Deputy Leos was pushed out of the way and someone tased Inmate Jaimes. He was handcuffed without further incident. Inmate Jaimes was taken to the clinic and treated by Doctor Saddler then transported to Los Angeles County Medical Center.

Deputy Leos said Inmate Jaimes did not give any indication that something was wrong. She did not have any contact with Inmate Jaimes prior to the day of the incident and did not know why he attacked her.

Deputy Leos said she had a bruise on her back where Inmate Jaimes punched her. She did not get any medical treatment.

Deputy Leos immediately notified Sergeant Mendoza of the force she used and witnessed.

IAB Note: See Exhibit "C" for a photograph of Deputy Leos injury.

IAB Note: See Exhibit "B" for a copy of Deputy Leos' documentation she was trained in the use of Freeze + P during the her academy training.

IAB Note: For further information, refer to Deputy Leos' IAB verbatim transcript.

IAB Note: See Exhibit "A" for the first report authored by Deputy Leos.

[redacted]

Deputy [redacted] was interviewed on Tuesday, October 14, 2008, at approximately 1012 hours by Internal Affairs Bureau Sergeants Diana Gealta and David Bly at Internal Affair's Bureau. The interview was tape recorded. The following is a summary of that interview.

Deputy [redacted] said he was assigned as the [redacted] His duties include ensuring the inmates get their showers, escorting the nurse, escorting inmates if they get passes and making sure the Title 15 book is updated.

Deputy [redacted] said 3100 and 3300 modules house K-10 inmates. They are divided by "actives" and "protective custody" inmates. The "actives" are highly assaultive and "cop killers," they are housed downstairs. The "protective custody" inmates are housed upstairs.

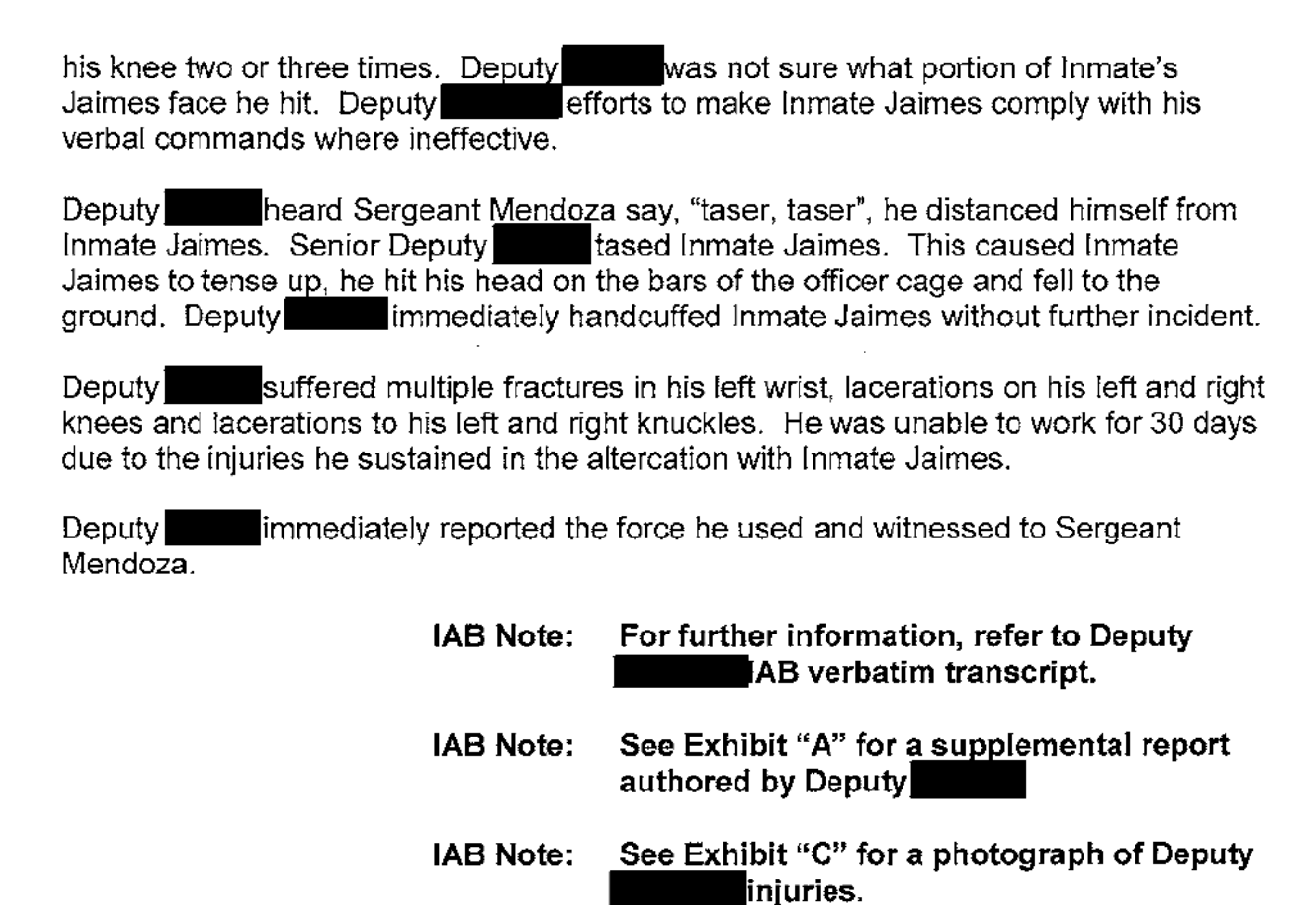
Deputy [redacted] stated that on September 6, 2008, he was upstairs in 3100 module. He was in the officer's cage area by "C" row. He heard stainless steel doors crash together, then he heard Deputy Leos scream. He described the scream as distressed. He immediately stopped what he was doing and ran toward the direction where he initially heard the noise.

Once Deputy [redacted] could see what was going on, he saw an inmate (later identified as Inmate Jaimes) who had a handcuff attached to his wrist. The other part of the handcuff was in his hand with the serrated portion out. He was holding the cuff as if it were a weapon. Inmate Jaimes was walking toward Deputy Leos with his hand away from his body, he was holding the handcuff as if it were a knife and he was going to stab her.

Deputy [redacted] said he tackled Inmate Jaimes from behind by wrapping his arms around him. They both fell to the ground, Inmate Jaimes maneuvered out of Deputy [redacted] grasp and manipulated his body counter clockwise, trying to stand up. Deputy [redacted] punched him approximately 10-15 times in the face. Inmate Jaimes continued to struggle and tried to get up. Deputy [redacted] continually gave him verbal commands to stop fighting and to give up his hand, which Inmate Jaimes ignored.

Deputy [redacted] stated he struck inmate Jaimes on the left side of the face with his knee. Inmate Jaimes continued to disregard Deputy [redacted] commands, he tried to stand up and continued to swing his arms at Deputy [redacted] and Deputy Leos. Deputy [redacted] kicked Inmate Jaimes with his right foot, once in the stomach and once in the chest. This had no effect on Inmate Jaimes.

Inmate Jaimes continued to dismiss Deputy [redacted] verbal commands and continuously tried to stand up. Deputy [redacted] tried to push Inmate Jaimes to the ground by pushing down on his back with both hands and striking him in the head with



his knee two or three times. Deputy [redacted] was not sure what portion of Inmate's Jaimes face he hit. Deputy [redacted] efforts to make Inmate Jaimes comply with his verbal commands where ineffective.

Deputy [redacted] heard Sergeant Mendoza say, "taser, taser", he distanced himself from Inmate Jaimes. Senior Deputy [redacted] tased Inmate Jaimes. This caused Inmate Jaimes to tense up, he hit his head on the bars of the officer cage and fell to the ground. Deputy [redacted] immediately handcuffed Inmate Jaimes without further incident.

Deputy [redacted] suffered multiple fractures in his left wrist, lacerations on his left and right knees and lacerations to his left and right knuckles. He was unable to work for 30 days due to the injuries he sustained in the altercation with Inmate Jaimes.

Deputy [redacted] immediately reported the force he used and witnessed to Sergeant Mendoza.

IAB Note: For further information, refer to Deputy [redacted] IAB verbatim transcript.

IAB Note: See Exhibit "A" for a supplemental report authored by Deputy [redacted]

IAB Note: See Exhibit "C" for a photograph of Deputy [redacted] injuries.

SNYDER, Jason

Deputy Snyder was interviewed on Tuesday, October 14, 2008, at approximately 1044 hours by Internal Affairs Bureau Sergeants Diana Gealta and David Bly at Internal Affairs Bureau. The interview was tape recorded. The following is a summary of that interview.

On September 6, 2008, Deputy Snyder was assigned to 3301, which is the K-10 discipline module. It is adjacent to the upstairs shower area of 3100 and 3300 Modules.

Deputy Snyder said he was in the 3301 office which is approximately 30 feet away from 3300 and the upstairs shower area of 3100 and 3300. He heard yelling in 3300, he stepped out of his office and saw two deputies struggling to gain control of an inmate (later identified as Inmate Jaimes) on the ground. Deputy Snyder ran over to assist, he saw Inmate Jaimes had a handcuff attached to his left hand but, it was not attached to his right hand. Inmate Jaimes had both feet on the ground, his right hand was also on the ground, he was holding the unattached handcuff (the tip of the rachet was pointing outward) in his right hand and was swinging it at Deputy Leos.

Deputy Snyder struck Inmate Jaimes four times in the right rib area with his knee. Inmate Jaimes did not react to this and continued to swing the handcuff at Deputy Leos. Deputy Snyder made a chopping motion with his left arm and struck Inmate Jaimes in the back of the head with the back portion of his forearm causing his head to hit the ground.

At this point, someone used pepper spray and accidently contaminated Deputy Snyder. Deputy Snyder said there was sufficient additional personnel and he left to wash his eye out.

Deputy Snyder immediately notified Sergeant Mendoza of the force he used and witnessed.

IAB Note: For further information, refer to Deputy Snyder's IAB verbatim transcript.

IAB Note: See Exhibit "A" for a supplemental report authored by Deputy Snyder.

[redacted]

Senior Deputy [redacted] was interviewed on Monday, September 8, 2008, at approximately 1044 hours by Internal Affairs Bureau Sergeant Diana Gealta at Men's Central Jail. The interview was tape recorded. The following is a summary of that interview.

Senior Deputy [redacted] was advised via the the public address system of a deputy involved fight. He immediately went to 3100/3300 modules. When he arrived and opened the front door, he heard deputies yelling "stop fighting, stop fighting". He went upstairs to the mezzanine level and saw Deputy Leos, Deputy [redacted] and Deputy Snyder engaged in a fight with Inmate Jaimes. Inmate Jaimes was trying to get up, he was on his knees rocking back onto his toes. His right hand was on the ground. A handcuff was attached to his left wrist and he was holding the racheted part of the handcuff in his hand swinging it at the deputies.

Senior Deputy [redacted] saw Deputy [redacted] striking Inmate Jaimes in the face with his knee. He heard Deputy Leos giving Inmate Jaimes verbal commands to "get down" and "stop fighting" as she was kicking his legs and ankles. Senior Deputy [redacted] saw Deputy Snyder strike Inmate Jaimes on the right side of his mid-section with his knees. Senior Deputy [redacted] told Inmate Jaimes to get on the ground, Inmate Jaimes did not comply with Senior Deputy [redacted] orders.

Senior Deputy [redacted] observed Deputy Leos pepper spray Inmate Jaimes in the face. The pepper spray did not affect Inmate Jaimes and he continued to fight. Sergeant

Mendoza arrived and ordered Senior Deputy [redacted] to tase Inmate Jaimes.

Senior Deputy [redacted] tased Inmate Jaimes, the probes of the taser hit Inmate Jaimes in the back. Inmate Jaimes fell to the ground, as he fell, the back of his head struck the metal bars of the officer's cage area.

Senior Deputy [redacted] saw Deputy [redacted] handcuff Inmate Jaimies while the taser was still cycling. Inmate Jaimes was transported to the clinic for medical treatment and was subsequently sent to Los Angeles County Medical Center.

Senior Deputy [redacted] immediately reported the force he witnessed and used to Sergeant Mendoza.

IAB Note: See Exhibit "B" for a copy of Deputy [redacted] documentation he was trained in the use of the taser.

IAB Note: For further information, refer to Deputy [redacted] IAB verbatim transcript.

IAB Note: See Exhibit "A" for a supplemental report authored by Deputy [redacted]

[redacted]

Deputy [redacted] was interviewed on Tuesday, October 14, 2008, at approximately 1054 hours by Internal Affairs Bureau Sergeants Diana Gealta and David Bly at Internal Affairs Bureau. The interview was tape recorded. The following is a summary of that interview.

On September 6, 2008, Deputy [redacted] was assigned as 3000 Prowl #1. The 3000 Control announced over the public address system that there was a deputy involved fight in 3100/3300. Deputy [redacted] went to 3100/3300, as he was going up the stairs to the location of the incident, he heard Sergeant Mendoza say, "tase him" tase him".

When he arrived at the location of the incident he saw Inmate Ernesto Jaimes in what he described as a three point stance (like football). The inmate had his right hand on the ground, both his feet were firmly planted and his knees were bent. His right arm was bent and his elbow was thrown back, he had one handcuff attached to his left wrist and he was holding the other cuff open like a hook.

As Deputy [redacted] reached the top of the stairs he saw Senior Deputy [redacted] tase the inmate. The taser immediately effected Inmate Jaimes causing him to fall to the ground. As he fell to the ground he hit his head on the security cage bars. Once he was on the ground, Deputy [redacted] handcuffed him with the handcuff's which were

already on him.

IAB Note: For further information, refer to Deputy [redacted] IAB verbatim transcript.

IAB Note: See Exhibit "A" for a supplemental report authored by Deputy [redacted]

WITNESSES STATEMENT

Sworn Witness

Mendoza, Jose

Sergeant Mendoza was interviewed on Monday, September 8, 2008, at approximately 0955 hours by Internal Affairs Bureau Sergeant Diana Gealta at Men's Central Jail. The interview was tape recorded. The following is a summary of that interview.

On September 6, 2008, Sergeant Mendoza was assigned as 3000 Floor Sergeant. The 3000 Control announced over the public address system that there was a deputy involved in a fight in 3100/3300. Sergeant Mendoza responded to 3100/3300 Module and heard commotion coming from the upstairs area in the module. He heard someone yelling, "stop fighting". Sergeant Mendoza went upstairs and saw an inmate (later identified as Inmate Jaimes) face down in a three point stance. Inmate Jaimes had a handcuff on his left wrist which was not secured to his right wrist. He was swinging his left arm with the loose handcuff.

Based on the information he had regarding Inmate Jaimes being involved in a fight with deputies, observing that Inmate Jaimes was not co-operating and his K-10 status, Sergeant Mendoza ordered that Inmate Jaimes be tased.

Sergeant Mendoza observed Senior Deputy [redacted] tase Inmate Jaimes. Inmate Jaimes fell to the ground. As he fell, he struck the back of head on the bars of the officer's cage area. Sergeant Mendoza saw Deputy [redacted] handcuff Inmate Jaimes.

Inmate Jaimes walked with the deputies out of the module, where they waited for the medical staff to arrive and treat him for his injuries.

IAB Note: Sergeant Mendoza attempted to interview Inmate Jaimes regarding the incident, but was unable to get a statement. (See Exhibit E for copy of video taped interview).

Deputy Leos, Deputy Snyder and Deputy [redacted] reported their use of force to him. He

directed Senior Deputy [redacted] use of the taser.

Sergeant Mendoza speculated that the reason Inmate Jaimes assaulted Deputy Leos was to make an amends for not participating in the extractions which took place on August 25, 2008 in 3100/3300 Modules. He stated Inmate Jaimes had co-operated with the extraction team on that date and exited his cell which contradicts the "code" in the jail.

IAB Note: Inmate Jaimes stated he was not housed in the module during the extractions. His housing history indicates he was housed in 3301 (discipline module) on August 25, 2008. I, Diana Gealta, verified with Men's Central Jail operations staff that no extraction took place in 3301 on August 25, 2008.

IAB Note: For further information, refer to Sergeant Mendoza's IAB verbatim transcript.

IAB Note: See Exhibit "A" for a supplemental report authored by Sergeant Mendoza.

Suspect STATEMENTS

JAIMES, Ernesto

Inmate Ernesto Jaimes was interviewed on September 8, 2008 at approximately 1150 hours by Internal Affairs Bureau Sergeant Diana Gealta. The audio recording malfunctioned and only a portion of his interview was recorded. Inmate Ernesto Jaimes was re-interviewed on September 9, 2008 at approximately 1148 hrs by Internal Affairs Bureau Sergeants Diana Gealta and Frank Quichocho at Los Angeles County Medical Center. The interview was tape recorded. The following is a summary of both interviews.

Inmate Jaimes said when he woke up on the day of the incident, Deputy Leos was conducting showers for the inmates on his row. He asked if he was going to get a shower and Deputy Leos told him he had to take a "bird bath" in his cell because he did not wake up when it was his turn to shower. Inmate Jaimes said okay and asked for an inmate complaint form. Deputy Leos told him she would bring it to him later. Deputy Leos returned to Inmate Jaimes cell without the inmate complaint form and asked him if he still wanted to take a shower.

IAB Note: In the initial interview with Inmate Jaimes, he said Deputy Leos returned after two to three minutes. In the second interview he stated she returned twenty minutes later.

Inmate Jaimes told Deputy Leos he still wanted to take a shower. She handcuffed him and took him upstairs to the shower area. When they arrived upstairs, she took him to the area between the stairwell and the showers (see diagram sketched by Inmate Jaimes under Miscellaneous Documents). There was a male Caucasian or Hispanic deputy. Inmate Jaimes said the deputy's name started with an M and it was followed by U and G. Once the male deputy was present, Deputy Leos slapped Inmate Jaimes two to three times in the face. As she slapped him she said, "tell me what you are saying" The male deputy punched Inmate Jaimes on his left side in the rib area one time. The deputies put Inmate Jaimes in the shower and told him to take his shower.

IAB Note: Deputy Leos denied slapping Inmate Jaimes prior to putting him in the shower. She stated she was alone when she put him in the shower. Additionally, she did not punch Inmate Jaimes in the ribs nor did she see anyone punch him in the ribs.

Deputy [redacted] and Snyder denied seeing Deputy Leos putting Inmate Jaimes in the shower or seeing anyone punch him in the ribs.

Deputy [redacted] said the first time he went in the 3100/3300 Module on the day of the incident, was in response to the incident.

Inmate Jaimes took a quick shower because he was in pain and wanted to go back to his cell. He said Deputy Leos returned a few minutes later and asked him if he was ready to go back to his cell. Inmate Jaimes told her he was ready and Deputy Leos instructed him to put his hands through the slot in the cell door. Inmate Jaimes said he did as instructed and Deputy Leos put handcuffs on him. When she put the handcuffs on his wrist he noticed that the right handcuff was loose.

Inmate Jaimes said he told Deputy Leos the handcuff was loose and tried to retreat to the back of the cell because he did not have a good feeling about his handcuff being loose. Deputy Leos asked him where he was going, pulled him back toward the shower cell gate and took him out of the shower. Inmate Jaimes said Deputy Leos held the shower cell gate with one hand and grabbed his hands with the other hand as she pulled him out of the shower. He attempted to close the handcuff by pushing it closed with his fingers but was unsuccessful.

IAB Note: Deputy Leos stated Inmate Jaimes did not advise

her that the handcuff was loose, she checked the handcuff prior to taking Inmate Jaimes out of the cell and double locked it. Additionally, she stated she had to let go of Inmate Jaimes to unlock the padlock which locks the shower door.

He stated he remembered several deputies came to where he and Deputy Leos were. He stated they "beat him up" but he did not remember any details. Inmate Jaimes stated he blacked out and when he woke up, he was being put in an ambulance.

IAB Note: I, Sergeant Diana Gelata observed the Suspect had swelling and bruising around both his eyes, scrapes on both sides of his forehead, a bruise on the left side of his neck, scratches on his left shoulder, scratches on his right hand and elbow and bruises on both his knees. See Exhibit "D" for a copy of Suspect Jaimes' medical report.